IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

MEDTRONIC VASCULAR, INC., SMEDTRONIC, SMEDTRONIC USA, INC., MEDTRONIC, SMC., AND MEDTRONIC VASCULAR SMCALWAY, LTD., SMCALWAY,

VERDICT FORM

QUESTION NO. 1:

Do you find by a preponderance of the evidence that the defendant infringes the asserted claims of the Anderson '364 patent?

Answer "YES" or "NO" for each accused product and each asserted claim.

A. Taxus Express2 OTW Stent Delivery Catheters

Claim 9 Yes

Claim 10 Yes

B. Taxus Express2 Monorail Stent Delivery Catheters

Claim 9 <u>VeS</u>
Claim 10 <u>VeS</u>

C. Express2 OTW Stent Delivery Catheters

Claim 9 Yes

D. Express2 Monorail Stent Delivery Catheters

E. Liberté OTW Stent Delivery Catheters

F. Liberté Monorail Stent Delivery Catheters

G. Maverick OTW Catheters

Claim 9
$$\frac{\sqrt{eS}}{}$$

H. Maverick Monorail Catheters

Claim 10
$$\sqrt{eS}$$

I. Maverick2 Monorail Catheters

QUESTION NO 2:

Do you find by a preponderance of the evidence that the defendant infringes the asserted claims of the Fitzmaurice '358 patent?

Answer "YES" or "NO" for each accused product and each asserted claim.

Taxus Express2 OTW Stent Delivery Catheters A.

yes Claim 1

Claim 2

Claim 3 Yes

yes Claim 4

Taxus Express2 Monorail Stent Delivery Catheters В.

yes Claim 1

yes yes Claim 2

Claim 3

Claim 4 <u>Yes</u>

Yes Claim 5

yes Claim 6

Express2 OTW Stent Delivery Catheters \mathbf{C}_{\bullet}

Yes Claim 1

Yes Claim 2

yes Claim 3

yes Claim 4

D. Express2 Monorail Stent Delivery Catheters

Claim 1 Ves

Claim 2 Ves

Claim 3 $\frac{\sqrt{65}}{}$

Claim 4 <u>PS</u>

Claim 5 <u>Ves</u>

Claim 6 \sqrt{eS}

E. Liberté OTW Stent Delivery Catheters

Claim 1 Ves

Claim 2 Yes

Claim 3 Ves

Claim 4 Ves

F. Liberté Monorail Stent Delivery Catheters

Claim 1 Yes

Claim 2 VeS

Claim 3 Yes

Claim 4 YES

Claim 5 <u>Ves</u>

Claim 6 Yes

G. Maverick OTW Catheters

Claim 1 \sqrt{eS}

Claim 2 $\frac{\sqrt{eS}}{}$

Claim 3 \sqrt{es}

Claim 4 <u>VeS</u>

H. Maverick2 Monorail Catheters

Claim 1 <u>Ves</u>

Claim 2 Yes

Claim 3 Ves

Claim 4 <u>Yes</u>

Claim 5 \sqrt{eS}

Claim 6 VES

I. Quantum Maverick OTW Catheters

Claim 1 Yes

Claim 2 <u>Yes</u>

Claim 3 <u>Yes</u>

Claim 4 <u>Ves</u>

J. Quantum Maverick Monorail Catheters

Claim 1 Ves

Claim 2 \sqrt{eS}

Claim 3 $\frac{\sqrt{eS}}{}$

Claim 4 Ves

Claim 5 Yes

Claim 6 $\frac{\sqrt{eS}}{}$

QUESTION NO. 3:

Do you find by a preponderance of the evidence that the defendant infringes the asserted claims of the Fitzmaurice '057 patent?

Answer "YES" or "NO" for each accused product and each asserted claim.

A. Taxus Express2 OTW Stent Delivery Catheters

- Claim 1 Ves
 - Claim 2 <u>Yes</u>
 - Claim 3 <u>Ves</u>
 - Claim 4 <u>yes</u>

B. Taxus Express2 Monorail Stent Delivery Catheters

- Claim 1 <u>Yes</u>
- Claim 2 Yes
- Claim 3 Yes
- Claim 4 Yes

C. Express2 OTW Stent Delivery Catheters

- Claim 1 Ves
- Claim 2 \sqrt{es}
- Claim 3 $\frac{\sqrt{eS}}{}$
- Claim 4 VES

D. Express2 Monorail Stent Delivery Catheters

- Claim 1 $\frac{\sqrt{eS}}{}$
- Claim 2 $\frac{\text{VeS}}{\text{I}}$

E. Liberté OTW Stent Delivery Catheters

F. Liberté Monorail Stent Delivery Catheters

Claim 3
$$\underline{\bigvee e5}$$

G. Maverick OTW Catheters

Claim 2
$$\frac{\sqrt{eS}}{}$$

Claim 3
$$\frac{\sqrt{eS}}{\sqrt{eS}}$$

Claim 4
$$\vee eS$$

H. Maverick2 Monorail Catheters

Quantum Maverick OTW Catheters I.

yes_ Claim 1

yes Yes Claim 2

Claim 3

<u> yes</u> Claim 4

Quantum Maverick Monorail Catheters J.

yes Claim 1

Claim 2

Claim 3

Claim 4

QUESTION NO. 4:

Do you find by clear and convincing evidence that the asserted claims are invalid because they are anticipated?

Answer "Yes" or "No" for each asserted claim.

A. The Anderson '364 Patent

Claim 9 NO

Claim 10 $\sqrt{0}$

B. The Fitzmaurice '358 Patent

Claim 1 NO

Claim 2 NO

Claim 3 NO

Claim 4 NO

Claim 5 NO

Claim 6 NO

C. The Fitzmaurice '057 Patent

Claim 1 NO

Claim 2 NO

QUESTION NO. 5:

Do you find by clear and convincing evidence that the asserted claims are invalid because they are obvious?

Answer "Yes" or "No" for each asserted claim.

A. The Anderson '364 Patent

Claim 9 NO

Claim 10 _ <u>NO</u>_

B. The Fitzmaurice '358 Patent

Claim 1 NO

Claim 2 NO

Claim 3 NO

Claim 4 NO

Claim 5 NO

Claim 6 NO

C. The Fitzmaurice '057 Patent

Claim 1 NO

Claim 2 NO

Claim 3 $\frac{100}{100}$

QUESTION NO. 6:

Do you find by clear and convincing evidence that the asserted claims are invalid because they fail to satisfy the written description requirement?

Answer "Yes" or "No" for each asserted claim.

A. The Anderson '364 Patent

Claim 9 NO

Claim 10 NO

B. The Fitzmaurice '358 Patent

Claim 1 NO

Claim 2 NO

Claim 3 NO

Claim 4 NO

Claim 5 NO

Claim 6 NO

C. The Fitzmaurice '057 Patent

Claim 1

Claim 2 NO

Claim 3 NO

QUESTION NO. 7:

Do you find by clear and convincing evidence that the asserted claims are invalid because they are not enabled?

Answer "Yes" or "No" for each asserted claim.

A. The Anderson '364 Patent

Claim 9 NO

Claim 10 NO

B. The Fitzmaurice '358 Patent

Claim 2 NO

Claim 3 NO

Claim 4 NO

Claim 5 <u>NO</u>

Claim 6 NO

C. The Fitzmaurice '057 Patent

Claim 1 NO

Claim 2 NO

Claim 3 NO

If you find that the defendant has infringed any of the claims of the Anderson '364 patent and that the infringed claims are not invalid, then answer the following Question. Otherwise, do not answer the following Question.

QUESTION NO. 8:

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate the plaintiff as a reasonable royalty for any infringement of the Anderson '364 patent you have found?

Answer in dollars and cents, if any, for a reasonable royalty

Answer:

\$ 83,000,000.00

If you find that the defendant has infinged any of the claims of the Fitzmaurice '358 and '057 patents and that the infringed claims are not invalid, then answer the following Question. Otherwise, do not answer the following Question. The jury foreperson should instead sign and date the Verdict Form and return it to the Security Officer.

QUESTION NO. 9:

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate the plaintiff as a reasonable royalty for any infringement of the Fitzmaurice '358 and '057 patents you have found?

Answer in dollars and cents, if any, for a reasonable royalty.

Answer: $$\frac{167,000,000}{}$

Signed this $\overline{\mathcal{I}}$ day of May, 2008.

JURY FOREPERSON